REMARKS

By this amendment, claims 1-33 are pending, in which claims 1, 9 and 16 are currently amended. These amendments raise no new issues, and introduce no new matter.

The final Office Action mailed October 7, 2003 constructively elected claims 1-31, withdrew from consideration claims 32-33, rejected claims 1, 2, 9-11, 15-22, 24-26, 28, and 31 under 35 U.S.C. § 103(a) as obvious over *Schulzrinne et al.* (1999) in view of *Arao et al.* (1999), claims 3-7 under 35 U.S.C. § 103(a) as obvious over *Schulzrinne et al.* and *Arao et al.*, and further in view of *Eriksson et al.*(1999), claims 8, 13, and 14 under 35 U.S.C. § 103(a) as obvious over *Schulzrinne et al., Arao et al.,* and *Eriksson et al.*, and further in view of *Boyle et al.* (1999), and claims 12, 23, 27, 29, and 30 under 35 U.S.C. § 103(a) as obvious over *Schulzrinne et al.* and *Arao et al.,* and further in view of *Boyle et al.* Applicant respectfully traverses the rejection of all pending claims, and requests reconsideration of the claims. Applicant respectfully traverses and requests reconsideration of the restriction/constructive election, and of the withdrawal from consideration of claims 31 and 32.

Attention is first directed to the restriction/constructive election, and to the withdrawal from consideration of claims 31 and 32. Applicant respectfully submits that the Office Action mailed October 7, 2003 is a final Office Action in which claims 31 and 32 were withdrawn from consideration by a restriction/constructive election. However, 37 C.F.R. § 1.142, in reference to requirements for restriction, states (emphasis added), "Such requirement will normally be made before any action on the merits; however, it may be made at any time **before a final action.**" Further, MPEP § 803 states, "If the search and examination of an entire application can be made without serious burden, the examiner **must** examine it on the merits, even though it includes claims to independent or distinct inventions." According to the Office Action, claims 32 and 33 are "directed to a system primarily for the authorization of a communication session by a server."

(*See* Office Action, Page, 3, lines 3-4).   However, Applicant respectfully. submits that

independent claim 1 at least recites providing information to a server of a communication session

according to a "third protocol for authorization of the communication session." Thus, Applicant

respectfully submits that search and examination of the entire application can at least be made

without serious burden.   Therefore, Applicant respectfully requests reconsideration and

withdrawal of the restriction/constructive election, and of the withdrawal from consideration of

claims 31 and 32, and requests withdrawal of the finality of the Office Action.

Attention is now directed to the rejection of claim 1 as obvious over *Schulzrinne et al.*

(1999) in view of *Arao et al.* In the interest of expediting prosecution, independent claims 1 and

16 are amended, and now recite "providing information to at least one server of the

communication session according to a plurality of communication protocols including a first

protocol for communication session establishment, a second protocol for deploying policy, and a

third protocol for authorization of the communication session according to a QoS level, **said**

information including policy information conveyed by the second protocol, and **at least one**

of resource usage, authorization, authentication, and accounting information conveyed by

the third protocol."

Schulzrinne et al. (Per Abstract) is directed to the three protocols that are used for the

different aspects of a basic phone call which are: the called party has to be alerted, the path of

voice bits has to be established, and the resources that may have to be set aside for the call. These

three aspects in Internet telephony are handled by a Session Initiation Protocol (SIP), a routing

protocol such as BGP, and a resource reservations protocol such as RSVP. (Page 1) While

Schulzrinne et al. describes different protocols used in internet telephony, the reference does not

mention or suggest "providing information to at least one server of the communication session

according to a plurality of communication protocols including a first protocol for communication

session establishment, a second protocol for deploying policy, and a third· protocol for authorization of the communication session according to a QoS level, **said information including policy information conveyed by the second protocol, and at least one of resource usage, authorization, authentication, and accounting information conveyed by the third protocol**" as required by claims 1 and 16.

Arao et al. also fails to disclose this feature. *Arao et al.* (per Abstract) is directed to the Abstract Switch Toolkit (AST), a component-based framework for defining and administrating IP network control and management. The reference states that with the possibility of service level differentiation in IP, more and more functional complexity is located at the forwarding nodes rather than at the communicating host machines. (Page 1388, column 2, ¶ 2) Therefore, a dynamic management of network resources is required to assure appropriate configuration of network nodes to address issues like address conversion, accounting, security, mobility, routing and QoS in the presence of differentiated flow handling. (Page 1388, column 2, ¶ 2) Instead of being restricted to a limited set of configuration options and hard-wired management functionality on a peek-and-poke basis over a network link, the AST programming interface allows to dynamically add, remove and update management functionality at the switch directly. The reference states that management functionality is no longer bound to a restricted and fixed management protocol, but can be realized as locally executed agents programmed in a multi-threaded object-oriented programming language. (Page 1390, column 1, last paragraph)

Applicant respectfully submits that *Arao et al.* does not disclose or suggest "providing information to at least one server of the communication session according to a plurality of communication protocols including a first protocol for communication session establishment, a second protocol for deploying policy, and a third protocol for authorization of the communication session according to a QoS level, **said information including policy information conveyed by**

the second protocol, and at least one of resource usage, authorization, authentication, and accounting information conveyed by the third protocol" as required by claims 1 and 16. *Arao et al.* merely describes that policy conditions need to be defined if certain tasks such as forwarding of packets or auditing should be started or stopped, and states that management functionality is no longer bound to a restricted and fixed management protocol.

According to the Office Action mailed on October 7, 2003, in its rejection of claim 1, the system disclosed by *Schulzrinne et al.* fails to disclose "In response to initiating the communication session, means for providing information to at least one server of the communication session, the information including at least one of resource usage, policy, authorization, authentication, and accounting information." The Office Action then asserts that *Arao et al.* discloses a system for QoS policy distribution which discloses these features. The Office Action further asserts that "a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying *Schulzrinne et al.* by employing the passing of parameters to an authorization, authentication, and accounting server." (*See* Office Action, Page 4, line 14 – Page 5, line 11) However, Applicant respectfully submits that neither *Schulzrinne et al.* nor *Arao et al.* individually, nor any reasonable combination thereof, discloses or suggests the recited "providing information to at least one server of the communication session according to a plurality of communication protocols including a first protocol for communication session establishment, a second protocol for deploying policy, and a third protocol for authorization of the communication session according to a QoS level, **said information including policy information conveyed by the second protocol, and at least one of resource usage, authorization, authentication, and accounting information conveyed by the third protocol.**" Thus, Applicant respectfully requests that the rejection of claim 1 be withdrawn.

For reasons similar to those stated previously with regard to claim 1, Applicant additionally submits that the rejection of independent claim 16 should be withdrawn. The rejection of dependent claims 2, 9-11, 15, 17-22, 24-26, 28, and 31 should be withdrawn for at least the same reasons as their respective independent claims, and these claims are separately patentable on their own merits.

With regard to the obviousness rejections of claims 3-8, 12-14, 23, 27, and 29-30, Applicant respectfully submits that the deficiencies of *Schulzrinne et al.* and *Arao et al.* are not cured by the secondary references of *Eriksson et al.* and *Boyle et al.*, particularly with respect to "providing information to at least one server of the communication session according to a plurality of communication protocols including a first protocol for communication session establishment, a second protocol for deploying policy, and a third protocol for authorization of the communication session according to a QoS level, **said information including policy information conveyed by the second protocol,** and **at least one of resource usage, authorization, authentication, and accounting information conveyed by the third protocol**" of claims 1 and 16. *Eriksson et al.* (per Abstract) simply describes Session Initiation Protocol and Dynamic synchronous Transfer Mode. *Boyle et al.* (per Abstract) is directed to a query and response protocol that is used to exchange policy information between a policy server and its clients.

Therefore, the rejection of dependent claims 3-8, 12-14, 23, 27, and 29-30 should be withdrawn for at least the same reasons as their respective independent claims, and these claims are separately patentable on their own merits. For example, dependent claim 14 includes all of the features of independent claim 1, and additionally includes the features of dependent claims 3, 4, 6, 8, and 13, which further describe the step of initiating the communication session, specify that the first protocol includes SIP, the second protocol includes COPS, the third protocol

includes OSP, that at least one server is a policy server, and further describes the step of

providing information, and that the network includes at least one clearinghouse server, and

further describe communications with a clearinghouse server and a policy server. In support of

its rejection of dependent claim 14, the Office Action (page 21) apparently resorts to a taking of

Official Notice with respect to the feature of OSP. To the extent that Official Notice has been

taken, pursuant to the MPEP § 2144.03, Applicant respectfully traverses the Official Notice and

requests the Examiner to produce references showing the claim features or withdraw the rejection

as factually inadequate.

Attention is drawn to claims 32 and 33, which were withdrawn from consideration by the

Office Action mailed on October 7, 2003. Independent claims 32 recites "receiving a request for

authorization of a communication session from a policy server according to a first protocol for

authorization and usage reporting, wherein the policy server forwards the request in response to a

message from a proxy server requesting authentication, authorization, and accounting according

to a second protocol for policy deployment, the proxy server initiating the communication

session between clients according to a third communication protocol specifying connection setup

and teardown." This feature is not disclosed by any of the applied references and therefore claim

32 is allowable. Claim 33 depends from independent claim 32 and is thus allowable and

separately patentable on its own merit.

The changes to independent claims 1 and 16 clarify the relationship of the protocols and

are not believed to raise new issues requiring further consideration and/or search, and it is

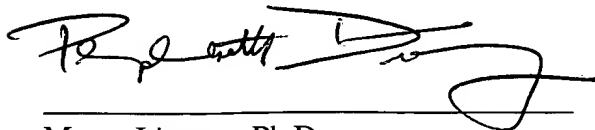therefore respectfully requested that the present amendment be entered under 37 C.F.R. §1.116.

Therefore, the present application, as amended, overcomes the objections and rejections

of record and is in condition for allowance. Favorable consideration is respectfully requested. If

any unresolved issues remain, it is respectfully requested that the Examiner telephone the

undersigned attorney at (703) 425-6499 so that such issues may be resolved as expeditiously as

possible.

Respectfully Submitted,

DITTHAVONG & CARLSON, P.C.

$\dfrac{1/7/04}{\text{Date}}$

Margo Livesay, Ph.D.
Reg. No. 41,946

Phouphanomketh Ditthavong
Reg. No. 44,658

Attorneys for Applicant(s)

10507 Braddock Road
Suite A
Fairfax, VA 22032
Tel. (703) 425-6499
Fax. (703) 425-8518